

**Foxborough Planning Board  
Meeting Minutes  
October 8, 2015  
Boyden Library**

**Members Present:** Kevin Weinfeld, William Grieder, Gordon Greene, John Rhoads, and Gary Whitehouse

**Members Absent:** Ron Bressé

**Also Present:** Staff Planner Gaby Jordan

**Planner Report**

Ms. Jordan notified the Board that a new application has been received for a Special Permit at 161 Chestnut Street for a seven unit multi-family dwelling. The Public Hearing will be held on October 22<sup>nd</sup>.

The Route 1 Economic Development Forum will be held on Wednesday November 4<sup>th</sup>.

The issues with the drainage at the Village Townhomes Phase II at Chestnut Green is being addressed, Bill Casbarra has been assisting with the inspections.

Ms. Jordan and Ms. Gray attended a recent daylong 40B seminar on development requirements and issues. It was very timely given the recent appeal of the Domain 40B project on Fisher Street by a neighbor group.

Ms. Jordan attended the Billboard Advisory Committee meeting this week, the group discussed the maximum number of billboards that could be allowed on Route 1 and the distance between them including both static and digital. A warrant article will be drafted for Town Meeting, probably the annual, not the special.

**Active Subdivisions**

The landscaping will start by the end of the month at Autumn Valley Estates; Chris Gallagher has confirmed that the trees will also be planted by the end of the month. The street lights had been turned off so the Board will take over payments for the streetlights and they will be paid for out of the bond money until the road is accepted.

The curbing installation at Durham Park has been halted, a gas main was broken so the work was stopped and has not yet restarted.

At Lincoln Hill Estates the curbing was discovered to be the wrong thickness and the joints are too close together to properly grout. Board Inspector, Norm Mullaney is concerned that the curb could shift if it is not grouted properly. Mr. Mullaney also informed the Board that the width of the curbing is not to the Planning Board standards but most have been installed and locked in with concrete. A diamond saw could be used to increase the width for proper grouting with concrete behind it to stabilize it.

Mike Ferrone stated that he met with Mr. Mullaney and Charlie Capone who is his curbing installer. He apologizes for the curbing installation; it was not done on purpose and is a mistake on his part. The bridging of the curbing was set on gravel which was dug out while it was cemented. He is willing to have

them cut the joints and open them as requested and will also be installing the throats on the catch basins. Mr. Ferrone thinks the curbing is the same width as the one on Chestnut Street.

The Board members feel it is unreasonable to require Mr. Ferrone to remove and reinstall new wider granite but did note that they were working off of plans which specified the width of the curbing. Perhaps he could use the cost differential to install more trees.

Rick Evans of 205 Oak Street then addressed the Board; he lives at the corner of Oak Street and Lincoln Ave. He is looking for a curb cut on Lincoln as land is to be conveyed to him and he would like to move his driveway to Lincoln from Oak Street. Mr. Weinfeld does recall this conversation. Mr. Ferrone stated that he wants to satisfy the Planning Board but does need to check with his father as it was his understanding that the land is not to be conveyed until after the road is finished.

John Woodall of 203A Oak Street would also like the curb cuts in now, he is afraid they won't be able to remove the curbs later due to the moratoriums on new roads. Mr. Ferrone stated if it is not shown on the approved plans his father will not authorize the work.

The Board members reviewed the plans with Mr. Ferrone and the abutters.

The Board members noted that curb cuts are not needed prior to the acceptance of the road; there are no restrictions on making a curb cut after the road is accepted.

A motion to accept Mr. Mullaney's recommendation for correcting the base issue of the curbing by backfilling with concrete and pulling out some of the gravel before the concrete is installed with Mr. Mullaney witnessing it and to waive the size of the granite required for this project but to require the joints be opened for grouting was made by Mr. Grieder and seconded by Mr. Rhoads. The motion carried 5-0-0.

### **Continued Public Hearing – Sumner Estates Subdivision Construction**

A motion to continue this hearing until later in the evening was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

### **Informal Presentation – 242 Main Street**

Atty. Frank Spillane, Engineer Bill Buckley and Developer Paul Fokman came before the Board to discuss the property at 242 Main Street known as the Judge Brown Property.

Mr. Buckley explained that this site contains 83 acres and is currently comprised of four parcels with three homes. It is currently owned by the Lawson Brothers, they are planning on selling the property. The site is in both Zone II and Zone III in the R40 district and has the required 200 feet of frontage. There is a stream running through it and it is surrounded by state or town owned land. They have not done any soil testing yet but believe there to be good soils on the site.

They would like to propose a twenty nine lot subdivision with an entrance off of Main Street; they have not had a wetland line certified yet and they will be crossing wetlands for access with a bridge. There will be two infiltration basins on site, they will construct a regular subdivision road with curbing, etc. and ask for a waiver for only one sidewalk. They will need a Special Permit for exceeding the length of a dead end road; the road will have approximately 4,200 linear feet. There is also a potential Vernal Pool on the site.

They would construct the project in phases, probably ten lots and 1,400 feet of roadway per year. They will be using septic systems for the lots; the water line will need to be looped.

Two of the homesteads will be staying.

The Board did not like the idea of having temporary dead ends while only part of the roads are being constructed, they suggested temporary cul de sacs with binder coats or a temporary road to tie the two ends together until the roadways are complete.

An ANRAD will need to be filed for with Conservation to get the wetlands boundaries. There may also be issues with water pressure in the area.

Mr. Fokman explained that one of the Lawson brothers would like to keep the wetlands undisturbed and the other brother has no preference one way or the other. Mr. Fokman has proxy to work with the town on how to convey land to Open Space. One of the brothers would also like to keep the presence of the horses.

The Board members discussed that when the Subdivisions Regulations were updated and the regulation for the length of dead end roads were being discussed, this property was part of that discussion.

In summary the Board recommends phasing the project, staying within the 800 foot limit for the roads each year during the temporary road construction and having subsequent road length connecting, address engineering issues with the bridge crossing and the water pressure and determine how to convey the Open Space to the town.

The Board was asked to produce a memo that could be given to the owner about this discussion as he lives out of state.

Mr. Buckley stated that there will be informal neighborhood meetings also.

### **Continued Public Hearing – Special Permit/Site Plan Review – 369 Central Street**

Atty. Spillane came before the Board asking for a continuance to this hearing as they are still working with the Conservation Commission on the wetlands issues. They will also be going before the Zoning Board of Appeals at their next meeting for signage on the site.

A motion to continue the Public Hearing for 369 Central Street to October 22, 2015 at 7:45 p.m. was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

### **Weston Avenue**

Bill Buckley came before the Board to discuss the paving issues at Weston Avenue. This is an issue that needs a solution; Mr. Buckley was not part of this originally but has been asked to look at it. Last spring they began the process of getting the road paved, they met with the town inspector and hired a company to do the paving. Mr. Mordini and Mr. Mullaney witnessed the work and it was done to the satisfaction of Mr. Mullaney; later the Town Engineer, Chris Gallagher went to inspect the roadway. Mr. Weinfeld stated that Mr. Gallagher was sent to inspect the conditions of the roadway as Planning Board members had concerns with the work that was done. Mr. Buckley stated that Mr. Gallagher then prepared a list of

deficiencies and a request that the road be milled and repaved. The report was sent in December 2015; Mr. Mordini claimed he didn't know about any problems until April 2015.

Mr. Buckley would like to get this resolved, Mr. Mordini did what was asked to be done, it's not the best job but it was done. It would cost approximately \$100,000 to redo the road so he would rather come up with fixes that could be done rather than milling and repaving.

An alternate solution could be to infrared to reheat the road in the problem areas like the separation of the seam in the middle of the road. More mix could be put down and it could be re-rolled. The catch basins need to be reset, some are high and some are low. Mr. Buckley stated that Mr. Mordini is willing to fix the problems but not redo the whole road.

Mr. Buckley will speak to the DPW Director to advise what can be done at this point.

Mr. Mordini had been having conversations with Ms. Wason about this work last winter. Ms. Wason had advised Mr. Mordini to go back to the paver who did the improper work but there is nothing in writing from Ms. Wason. The Board feels that they have been fair with Mr. Mordini all through this project but this is a problem with the subcontractor.

Mr. Weinfeld advised Mr. Buckley to speak to Mr. Hill to see what he is willing to accept as this is expected to become a town road in the future.

Mr. Rhoads stated that he walked the site and agrees with the existing conditions as stated by Mr. Gallagher. He is unsure how the Board and town should respond, if you require the developer to do as the Town Engineer requires he could just walk away from the project due to the extreme cost. He suggests that core samples be taken to check the thickness of the materials and the composition of the mix, the asphalt may not be within bitumen spec limits and may not have the specified thickness.

Heidi Krockta of 14 Weston Ave stated that she has lived on the street for nine years and it has never been as smooth as it should be and wanted to know when she and her neighbors will get the road they were promised when then moved there.

Mr. Weinfeld would like to discuss this matter again after Mr. Buckley speaks with Mr. Hill.

Bill Busch of 6 Weston Ave. and President of the Homeowner's Association would like to know a cost estimate of the repairs. He did note that the road is better than it was before.

### **Housing Trust**

Mr. Weinfeld has spoken with Mr. King in regards to the next two payments due and Mr. King has agreed on December 1, 2015 and February 1, 2016.

### **Sumner Estates Subdivision Construction**

Chris Gallagher has prepared a cost estimate on the remaining work to be done on Rothchild Drive. The Bond is for \$29,000 and the cost estimate is for \$29,101. The Board discussed using iron pins instead of granite for the bounds for cost savings. Ms. Jordan stated that Rich Leslie of Bay Colony is away this week so she will check with him when he gets back.

Mr. Weinfeld was told by Mr. Treannie that the work would be completed by the end of October. Mr. Treannie also stated that the end cap for the guardrail has been ordered.

It was noted by Ms. Jordan that the Board of Selectmen permission will need to be sought to spend the bond money for this road.

A motion to revoke the Bond for Sumner Estates and to notify Mr. Treannie that the Board has voted to take the Bond and the date of the Board of Selectmen meeting to request to spend the funds was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 5-0-0.

### **Minutes**

The Board reviewed the minutes from June 25, 2015, July 9, 2015 and September 10, 2015.

A motion to approve the minutes of June 25, 2015, July 9, 2015 and September 10, 2015 as amended was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 5-0-0.

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Diana Gray

Approved by: Kevin Weinfeld

Date: 12/3/15